

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHRIMAR SYSTEMS, INC., et al., §
§
v. § Civil Action No. 6:15-cv-163 -JDL
ALCATEL-LUCENT USA, INC., et al. §
(LEAD CASE) §
§

ORDER

Before the Court is Defendants' letter brief request to file a motion for summary judgment that the claims of U.S. Patent No. 8,155,012 ("the '012 Patent") are invalid pursuant to 35 U.S.C. §§ 102 and 103. (Doc. No. 150-1.) Plaintiffs Chrimar Systems, Inc. and Chrimar Holding Company, LLC ("Chrimar") have filed a letter brief in response. (Doc. No. 167-1). Defendants fail to identify any prior art over which they claim the asserted claims of the '012 Patent are invalid. Instead, Defendants' request appears to be based on a supposed admission from Chrimar regarding independent claim 31. But whether there was an admission is disputed in the record by Chrimar. Regardless, at a minimum, Defendants must at least identify the prior art over which they claim they have a valid argument regarding invalidity in order for the Court to entertain a such a motion. Because Defendants have failed to do so here, their letter brief request (Doc. No. 150-1) is **DENIED**.

So ORDERED and SIGNED this 24th day of May, 2016.


JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE